

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, February 27, 2008**

1. Call to Order:

Chairman Troutman called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

| | | |
|--------------|----------------|----------------|
| Steve Barker | Preston Hicks | Ed Scheinfeldt |
| Mark Behnke | William Morris | Mike Troutman |
| Jan Burland | Chris Simmons | |

Staff Present: Michael Buckley, Director, Planning and Community Development
Glenn Perian, Senior Planner, Planning Dept.
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: Meeting Minutes of January 23, 2008.

**A MOTION WAS MADE BY COMMISSIONER SCHEINFELDT, SUPPORTED BY
COMMISSIONER BARKER TO APPROVE THE MINUTES OF JANUARY 23, 2008
AS PRESENTED. VOTE ON MOTION: ALL YES, NONE OPPOSED MOTION
CARRIED.**

5. Correspondence: Hand-out from Ms. Laurie Sullivan which was an email regarding the number of police response times for the area requesting the Special Use Permit #Z-01-08.

6. Public Hearing:

A. Zoning Reclassification (#Z-01-08):

Petition from Mary Lou Ramon 110 S. 23rd Street, Battle Creek, Michigan, on behalf of Lakeview Co-Operative Apartments requesting a Zoning Reclassification of the following described properties from “R-2 Two Family Residential” to “R-3A Multiple Family Residential” for (93) properties located on 22nd St., 23rd St., 24th St., Iroquois Ave., & Territorial Rd., Parcels #6990-14-001-0 Through # 6990-14-091-0, and legally described as: PRAIRIEVIEW HOMES LOT #1 THROUGH LOT #91.

Ms. Mary Lou Ramon, petitioner was present and spoke regarding all the properties involved and noted that they had been informed of this request. Stated the neighborhood has always been perceived negatively by the community. She said that she had read Mr. Buckley’s report and was puzzled by the overlay option, and is not sure it would meet their needs. She felt that the R-3A Multiple Family zone does meet their needs. She asked that this petition be approved because of the difficulties the owners have with financing and insurance, and stated the City should have corrected this zoning when they merged with Battle Creek Township.

Commissioner Troutman asked if this had been presented to the Neighborhood Planning Council. Ms. Ramon stated they did not make a decision or take a position. If it does get postponed, they can bring it back to the Neighborhood Planning Council.

Commissioner Morris stated he appreciated all the hard work they are doing for their neighborhood. He asked about the 869 police calls to the neighborhood in regards to increasing the density in that area. He asked if Ms. Ramon had any problem with the overlay Mr. Buckley is recommending.

Ms. Ramon stated she did not know how to respond as she needed more information on how it works. She asked to address the police concern issue, saying that the person who brought in the information regarding police calls does not live in the area and is not apart of their owner's group. She said that the density is already high in the area, and they are not asking to increase the density. She commented that the police come and go between shifts and do not share the information with the prior shift, so they may come many times for the same incident.

Commissioner Troutman asked if there were any vacant lots within this area, that this zoning change would allow someone to build large units.

Ms. Ramon stated there are none, only the storm water retention pond, and that she does not want any vacant lots or homes to be torn down.

Commissioner Troutman asked if the airport noise was a problem for this area.

Ms. Ramon stated there have not been any complaints from the Co-Op, that it had been in existence since being built in the 1940's as housing for military families.

Commissioner Troutman asked Ms. Ramon about the names that were not on the signed petition.

Ms. Ramon stated she was not able to get the petition to them for their signature but they are all in favor and in support of the change.

Commissioner Hicks asked if the 19 single family units were rental properties.

Ms. Ramon stated, yes most are rentals and that she lives in a single family and some of the others are owner occupied.

Commissioner Hicks asked Ms. Ramon if there were any available buildings, would she purchase them.

Ms. Ramon stated no, she does not want to handle any more properties.

Commissioner Burland asked if "We the Undersigned" signatures were the property owners and if they are absentee owners.

Ms. Ramon stated they live within five or six blocks from the properties and that they all care about their properties.

Commissioner Barker asked Ms. Ramon referring to the NPC meeting where she spoke of the properties being upgraded and if there was any record of those upgrades.

Ms. Ramon stated some have already done upgrades such as siding, and are doing work on the inside. She said that within the Co-Op, when one property owner makes changes the others also want to make improvements.

Ms. Susan Moore, 1778 W. Columbia Ave., a mortgage broker, came forward to speak and stated that there was a house on 20th Street in City of Springfield that was rezoned as a commercial and had a buyer, but that the buyer was not able to get financing because the residential property was zoned commercial. She said that it is important that the properties be zoned the same as their use, such as single family, two family, etc.

Mr. Buckley wanted to clarify the statement made regarding what had happened when the City merged with Battle Creek Township. He said that it was not neglect on the City's behalf. As stated in the section of the ordinance provided by Ms. Ramon, and included in the report, the land shall be classified as being in whichever district as most clearly conforms to the zoning that existed in the annexed area. The zoning that existed in the annexed area was an "R2 Two Family Residential" and the City zoned it R2. There in no district that any more clearly could conform to what was in place at the time of the merger.

Mr. Buckley noted regarding the overlay zone, what he has suggested is that if there are any issues that the Planning Commission might have with classifying all of these properties "R-3A", there is an alternative which would accomplish the same thing. It would establish this described area with a name and then all the properties would conform to the use at the time of the adoption. The properties would remain the same zoning as they are at the time of the adoption and would not be able to be increased in terms of additional units. If it were put in an ordinance it would codify the zoning for the record.

Ms. Laurie Sullivan, 130 Frelinghuysen Ave. stated she was not sure if she was for or against this petition, but understands that the properties should be zoned for what their use is for financing, and insurance. She expressed concern for the density because of the police having to be called away from other areas that might be in need of their services. Changes like this impact the city as a whole.

Commissioner Troutman asked Ms. Sullivan if her handout was an official request from the Police Department.

Ms. Sullivan stated, yes, it was received from Duane Knight at the Police Department.

Commissioner Simmons stated he had toured the neighborhood and had grown-up nearby, and he was surprised with the improvements that had been done. In his opinion, the zoning reclassification would increase further investments in the neighborhood and would be in support of whichever is approved.

With no one else wishing to speak the Public Hearing was closed.

7. Old Business:

Mr. Buckley provided information regarding the Airport Overlay and was concerned about the time period for the Part 150 Noise Study at the Airport. He was pleased to see they have engaged a consultant for the study and have put a task force together to work with the consultant and was pleased that the Planning Commission would be represented on that task force. In identifying the

elements involved he tried to put together the two that he felt were most important, that would be the noise and land use elements of the study. The Airport Manager will keep the Planning Commission posted on any updates regarding the task force and future meetings.

Commissioner Troutman asked if it would be appropriate for the City Commission to put a moratorium around the airport. Mr. Buckley stated that historically the City Attorney's office has been hesitant of placing a moratorium because of legal issues. You would still need to identify the area in question, and without the noise study identifying the boundaries of a moratorium, it would be risky.

Commissioner Scheinfeldt thanked Mr. Buckley for the information and update. He thought it was good information.

8. New Business:

A. Zoning Reclassification (#Z-01-08):

Petition from Mary Lou Ramon 110 S. 23rd Street, Battle Creek, Michigan, on behalf of Lakeview Co-Operative Apartments requesting a Zoning Reclassification of the following described properties from "R-2 Two Family Residential" to "R-3A Multiple Family Residential" for (93) properties located on 22nd St., 23rd St., 24th St., Iroquois Ave., & Territorial Rd., Parcels #6990-14-001-0 Through # 6990-14-091-0.

MOTION WAS MADE BY COMMISSIONER MORRIS, SUPPORTED BY COMMISSIONER BURLAND TO APPROVE THE CREATION A PRARIEVEIW OVERLAY DISTRICT.

Discussion:

Commissioner Burland asked if the motion included the postponing action for 60 days.

Mr. Buckley suggested that if they wish to pursue the overlay zoning, the first action would be to postpone action on this petition for 60 days allowing drafting of the overlay. A second motion would be necessary to recommend creation of the overlay district.

Mr. Buckley stated that when the petition comes back in 60 days it would not need to be approved or denied but could simply be pulled by the petitioners, because they would have gotten the solution to their problem without the R-3A zoning.

Commissioner Simmons asked if the petitioner would have to pay any additional fees or submit any additional applications for this overlay.

Mr. Buckley stated there would not be any additional fees, that it would be done at the direction of the Planning Commission.

Commissioner Hicks asked if the petitioner finds the Overlay District agreeable.

Ms. Ramon stated yes, as long as whenever a finance or insurance company ask, it would reflect the correct zoning.

Mr. Buckley stated that this would happen with the Overlay District.

Commissioner Scheinfeldt stated he was in favor of the proper zoning and the Overlay Zone as long as it is codified. He was in favor of postponing so it can be resolved.

MOTION WITHDREW: BY COMMISSIONER MORRIS, SUPPORTED BY COMMISSIONER BURLAND TO APPROVE THE CREATION OF A PRARIEVEIW OVERLAY DISTRICT.

MOTION WAS MADE BY COMMISSIONER BURLAND, SUPPORTED BY COMMISSIONER BARKER TO POSTPONE ANY ACTION ON THIS PETITION FOR 60 DAYS.

Discussion:

Commissioner Barker stated it is not a good idea to increase the density, and that the Overlay District is a good idea to solve the problem and protect the integrity of the neighborhood.

Commissioner Scheinfeldt asked if the petition were withdrawn, could the fee be refunded.

Mr. Buckley stated that would not be the case, that there are still the costs involved in the publishing and mailing of notices that have been incurred for this original petition.

A ROLL CALL VOTE WAS TAKEN: ALL IN FAVOR; NONE OPPOSED. MOTION APPROVED.

A MOTION WAS MADE BY COMMISSIONER SCHEINFELDT, SUPPORTED BY COMMISSIONER BURLAND TO APPROVE THE CREATION OF AN OVERLAY DISTRICT.

Discussion:

Commissioner Burland wanted to ensure that the Overlay District maintains the single, two, and four family residential status as it is being prepared.

Commissioner Hicks asked if having an overlay district would lock in the properties in this zone.

Mr. Buckley stated, yes the ordinance would have to be amended to make any changes.

A ROLL CALL VOTE WAS TAKEN: ALL IN FAVOR; NONE OPPOSED. MOTION APPROVED.

Commissioner Scheinfeldt asked Ms. Ramon that when the petition comes before them in April, if she would have attended the Neighborhood Planning Council and have received their official opinion for the record.

Ms. Ramon stated yes, she would present to the NPC.

- 9. Comments by the Public:** Ms. Sullivan thanked the Planning Commission and said this was a great step for the City.

10. Comments by the Staff and Commission Members:

Mr. Michael Buckley mentioned that we have received a petition for next months meeting from Mr. Scott Ganton from Heritage Assisted Living regarding a Special Use Permit for a memory care unit at their existing Senior Residential Facility

Commissioner Simmons noted that at the Neighborhood Planning Council #10 meeting on Monday, February 25, 2008, a person spoke to the council regarding a new Funeral Home to be located in their area on Columbia Avenue. He asked of the Planning Department had any information to share regarding this petition.

Mr. Glenn Perian, Senior Planner stated he had met with them and talked, but that it was just preliminary at this time and the Planning Department had not received anything from them.

11. Adjournment:

The meeting adjourned at 4:58 P.M.

Respectfully Submitted,

Michael J. Buckley, Executive Secretary
Battle Creek City Planning Commission

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.